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REQUEST FOR FILING A PATENT APPLICATION UNDER 37 C.F.R.  
§1.53(b)

Attorney Docket: 622/43770CO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box PATENT APPLICATION  
Commissioner for Patents  
Washington, D.C. 20231

September 28, 2001

Sir:

This is a request for filing a X continuation application under 37 C.F.R. 1.53(b), of pending prior application:

Serial No. 09/537,292  
Filed on March 29, 2000  
Of Hans BRAENDLE, et al.  
Entitled: TOOL WITH TOOL BODY AND PROTECTIVE LAYER SYSTEM  
Examiner: Blackwell Rudasil, G.  
Group: 1775

- X 1. Accompanying this order is a true copy of the prior application as originally filed.

Total pages 1-24, plus 4 pages of Formal Drawings showing Figs. 1-5 and Appendix A pages 1-24.

2. New Formal drawings are being filed herewith consisting of      sheet(s), depicting Figures     .

- X 3. Declaration and Power of Attorney:

a.      Newly executed (original or copy)

b. X Copy from prior application

i.      Deletion of Inventors - signed statement attached deleting inventor(s) named in the prior application

- X 4. Incorporation by Reference:

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 3b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

5. Cancel original claims .
6. Small entity status:
- a.      A small entity statement is enclosed
- b.      A statement of small entity status (copy attached) was filed on      in the prior application and status as a small entity is still proper and desired.
- c.      Is no longer claimed
- X   7. The filing fee is calculated below:

**CLAIMS AS FILED, INCLUDING ANY CLAIMS  
CANCELLED OR ADDED BY PRELIMINARY AMENDMENT**

Basic Fee				<u>\$355</u>		<u>\$710</u>
Total Claims	<u>21</u>	-	<u>20</u>	=	<u>    </u> x	9 = \$ <u>    </u> 18 = \$ <u>    </u>
Ind. Claims	<u>1</u>	-	<u>3</u>	=	<u>    </u> x	40 = \$ <u>    </u> 80 = \$ <u>    </u>
	<u>Multiple Dependent Claims</u>			+	135 = \$ <u>    </u>	270 = \$ <u>    </u>
	Total					<u>\$710.00</u>

8. Please charge my Deposit Account No. 05-1323 (Docket #     ) in the amount of \$     .
- X   9. A check in the amount of \$ 710.00 to cover the filing fee is enclosed.
- X   10. The Commissioner is authorized to charge any fee which may be required under 37 CFR 1.16 or 37 CFR 1.17 or credit any overpayment to Deposit Account No. 05-1323 (Docket #622/43770C0).
- X   11. Amend the specification by inserting before the first line the sentence: --This application is a continuation of application Serial No. 09/537,292, filed March 29, 2000.--

12. Priority of Appln. No(s). \_\_\_\_\_, filed in \_\_\_\_\_ on \_\_\_\_\_, is hereby claimed under 35 U.S.C. 119.
13. A certified copy of each said priority document was filed in application Serial No. \_\_\_\_\_ on \_\_\_\_\_.
- X 14. The prior application is assigned of record to Balzers Aktiengesellschaft.
- X 15. The power of attorney in the prior application is to:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; and Jeffrey D. Sanok, Reg. No. 32,169.

- X a. The power appears in the original application papers in the prior application.
- \_\_\_\_\_ b. Since the power does not appear in the original application papers, a copy of the power in the prior application is enclosed.
- \_\_\_\_\_ c. Attached is a duplicate of a Supplemental Declaration which was filed in the prior application to overcome informalities.
- X d. Address all future correspondence to:

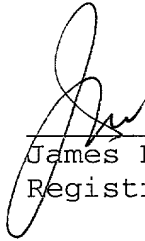
CROWELL & MORING, L.L.P.  
P.O. Box 14300  
Washington, DC 20044-4300

- X 16. Forms PTO-892 and PTO-1449 listing prior art made of record in the prior application are attached. A copy of each of the listed references should be available in the prior application file.
- X 17. A Preliminary Amendment is being filed herewith.

X 18. Return Receipt Postcard.

\_\_\_\_ 19. Other: \_\_\_\_\_

Respectfully submitted,



James F. McKeown

Registration No. 25,406

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JFM:cdh

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